MPR 1900.1 REVISION A

EFFECTIVE DATE: August 31, 2004 EXPIRATION DATE: August 31, 2009

MARSHALL PROCEDURAL REQUIREMENTS

LS01

CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS

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DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Canceled)	Document Revision	Effective Date	Description
Baseline		4/16/01	
Revision	A	8/31/2004	Converted from Marshall Procedures and Guidelines (MPG) to Marshall Procedural Requirements (MPR) document and changed references to MPR and NPR throughout document. Requirements distinguished by use of the word "shall." Updated URLs. Para. 3.2.6, changed collection process to require organizations to submit collected forms to the Human Resources Department weekly during the month of October and to provide a list of delinquent filers. Para. 3.2.7, changed to require the Human Resources Office to submit forms to the Chief Counsel's Office on a weekly basis. Editorial changes to paragraphs 2.1.4, 3.2.6 and 3.2.7. Para. 3.3 changed to clarify that forms filed for SEBs/SECs or PEBs/PECs are in addition to new entrant or annual filings.

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PREFACE

P.1 PURPOSE

This Marshall Procedural Requirements (MPR) document establishes the responsibilities and procedures for identifying employees required to submit a new entrant or an annual Confidential Financial Disclosure Report, and for the submission and processing of those forms.

P.2 APPLICABILITY

This MPR applies to all Marshall Space Flight Center (MSFC) organizational elements.

P.3 AUTHORITY

- a. 5 C.F.R. Part 2634, "Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture"
- b. NPD 1900.9, "Financial Disclosure Reports"
- c. NPR 1900.3, "Financial Disclosure Reports"

P.4 APPLICABLE DOCUMENTS

NPR 1900.3, "Financial Disclosure Reports"

P.5 REFERENCES

5 C.F.R. Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch"

P.6 CANCELLATION

MPG 1900.1 dated April 16, 2001

Original signed by Robin Henderson for

David A. King Director

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DOCUMENT CONTENT

1. **DEFINITIONS**

- 1.1 <u>Confidential Financial Disclosure Report</u>. A report by an individual employee disclosing to the reviewers certain matters related to their income, assets, liabilities, outside positions, gifts, etc. The report, when required, is made using Office of Government Ethics (OGE) Form 450, "Executive Branch Confidential Financial Disclosure Report." In some circumstances, as determined by the Chief Counsel, an OGE Optional Form 450-A, "Confidential Certificate of No New Interests," may be submitted in lieu of an OGE Form 450, for annual filing purposes. Any subsequent references in this MPR to "OGE Form 450" also refer to the OGE Form 450-A, when 450-A use is authorized.
- 1.2 <u>Covered Position</u>. A position or assignment of one of the types described in subchapter 2.2 of NPR 1900.3. Subject to certain exceptions, employees occupying such positions are to file a Confidential Financial Disclosure Report first as a new entrant, and then on an annual basis.

2. RESPONSIBILITIES

- 2.1 The Head of each MSFC Basic Organization shall:
- 2.1.1 Determine whether each new hire and each person promoted or transferred into the organization is in a covered position and notify the Human Resources Department of that determination. The Human Resources Department shall also be notified when an assignment of duties or a transfer within the organization puts a previously uncovered employee into a covered position.
- 2.1.2 Provide a list of all persons in the organization who meet the test for having to file an annual OGE Form 450 to the Human Resources Department upon request, in advance of the annual filing period. The test for who shall file is set out in paragraph 2.2 of NPR 1900.3, subject to individual or class exemptions that may be approved by the Manager, Human Resources Department.
- 2.1.3 On or about the beginning of the annual filing period (October 1), notify each employee on the annual filing list that it is time to prepare and submit an OGE Form 450.
- 2.1.4 Collect all required annual Form 450s from within the organization, and submit them to the Human Resources Department, along with an explanation of any changes to the list of filers previously submitted to the Human Resources Department.
- 2.2 <u>The Manager, Human Resources Department</u>, shall:

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- 2.2.1 Unless an exception applies, notify all employees who are newly hired into a covered position, or promoted, transferred, or assigned to a covered position, of the requirement to file a "new entrant" OGE Form 450, and provide such employees with a hard copy of and/or electronic access to the form.
- 2.2.2 Each year compile and maintain a master list of all employees required to file the OGE Form 450 during the annual filing period, based on input from the MSFC Basic Organizations.
- 2.2.3 Provide instructions to the MSFC Basic Organizations regarding compilation of the annual list of filers and the collection and submission of the annual forms.
- 2.3 The Chief Counsel shall:
- 2.3.1 Provide guidance to MSFC organizations concerning which positions should be designated as "covered positions."
- 2.3.2 Review each OGE Form 450 submitted.
- 2.3.3 Request additional information directly from the filer if necessary.
- 2.3.4 Provide ethics advice to employees whose OGE Form 450 raises potential ethics concerns.
- 2.3.5 Serve as the record custodian for the Confidential Financial Disclosure Reports.
- 2.4 Covered Employees shall:
- 2.4.1 Complete and submit an OGE Form 450 to the Human Resources Department within 30 days of assuming a position that requires the filing of an OGE Form 450 or within any earlier deadline established in the notification letter.
- 2.4.2 Complete and provide an annual OGE Form 450 in a sealed envelope to the Basic Organization's administrative officer within 30 days of notification of the requirement to file or within an earlier deadline established in the notification letter.
- 2.4.3 Provide a timely, accurate, and complete response to requests for additional information from reviewers, normally within 15 days of the request.
- 2.4.4 Maintain a copy of the completed form for reference purposes.

3. PROCEDURE

3.1 <u>New Entrant Reports</u>. Employees who are placed in a covered position through a new appointment, transfer, promotion, or assignment of new duties are required to submit a

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Confidential Financial Disclosure Report as a "new entrant." This requirement may not apply, however, to employees who have come from another position requiring submission of a financial disclosure report, either with NASA or some other Federal agency. See 5 CFR 2634.903(b) for the exceptions.

- 3.1.1 MSFC Basic Organizations shall notify their organizational contact in the Human Resources Department whenever the Basic Organization places an employee in a covered position, if the employee was not already in a covered position in that organization.
- 3.1.2 Unless an exception to the filing requirement applies (see 5 C.F.R. 2634.903(b)(2)), the Human Resources Department shall notify the employee that an OGE Form 450 shall be completed and submitted. The notification shall either include a hard copy of the blank form, or provide instructions for accessing an electronic copy.
- 3.1.3 The employee shall complete and submit the OGE Form 450 to the Human Resources Department within 30 days of assuming the new position, or within any earlier deadline established in the notification letter. (The supervisor's signature on the form is not required.) The Human Resources Department shall forward the form to the Chief Counsel's Office for review.
- 3.1.4 The Chief Counsel's Office personnel shall review the form for completeness and any apparent conflict of interest. The Chief Counsel or designee shall sign as the "Agency's Final Reviewing Official."
- 3.1.5 The Chief Counsel's Office shall retain the form in accordance with section 4.
- 3.2 <u>Annual Reports</u>. Employees who occupy covered positions shall file annual reports at the close of the fiscal year, unless they did not perform the duties of the covered position for more than 60 days during that fiscal year.
- 3.2.1 Reasonably in advance of the October annual filing period for Confidential Financial Disclosure Reports, the Human Resources Department shall request from MSFC Basic Organizations a list of employees who occupy "covered positions."
- 3.2.2 MSFC Basic Organizations shall compile and submit the list to the Human Resources Department electronically in the format specified by Human Resources.
- 3.2.3 Just prior to the start of the October filing period, the Human Resources Department shall advise MSFC Basic Organizations that an OGE Form 450 shall be obtained from each covered employee. The notice shall provide instructions for obtaining electronic access to the form.
- 3.2.4 MSFC Basic Organizations shall notify covered employees of the filing requirement and provide instructions for obtaining the form.

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- 3.2.5 Covered employees shall complete and provide (in a sealed envelope with the employee's name on the outside) the OGE Form 450 to the Basic Organization's administrative officer. (The supervisor's signature on the form is not required.) Unless the envelope is hand-delivered to the administrative officer, it shall indicate on the outside that it is a Form 450. Employees shall retain a copy of their form for their personal records. Administrative officers shall not open the envelopes. Employees shall submit the forms by the regulatory suspense date of October 31.
- 3.2.6 The administrative officer shall collect the forms of individuals required to file in that organization, and forward them to the Human Resources Department weekly during the month of October or until all forms for the organization have been forwarded. At the end of October, the administrative officer shall provide a final list of all filers in the organization. If this final list differs from the list the organization previously sent to the Human Resources Department, then an explanation for the additions or deletions shall be included, along with a list of any delinquent filers and an explanation of the delay in filing. The administrative officer shall continue to collect and forward the forms until forms for all individuals on the final designation list have been submitted. The forms shall be collected and forwarded at the MSFC Basic Organization level, except where there is prior agreement with the Human Resources Department to handle this function at the next lower organizational level (i.e., Department level).
- 3.2.7 The Human Resources Department shall verify that all required forms from each organization are accounted for and forwarded to the Chief Counsel's Office weekly during the month of October or until forms for all individuals on the final designation list have been submitted for review.
- 3.2.8 The Chief Counsel's Office shall review the forms for completeness and any apparent conflict of interests. The Chief Counsel or designee shall sign as the "Agency's Final Reviewing Official."
- 3.2.9 The Chief Counsel's Office shall retain the forms in accordance with section 4.
- 3.3 <u>Special Rules for Source Evaluation Boards/Committees (SEBs/SECs) and Performance Evaluation Boards/Committees (PEBs/PECs)</u>. Members, evaluators, and advisors on PEBs/PECs that evaluate award fee contractors and on SEBs/SECs shall file Confidential Financial Disclosure Reports in addition to new entrant and annual filings discussed above.
- 3.3.1 The chairperson of each SEB/SEC shall be responsible for ensuring that new entrant reports from each member, evaluator, and advisor are provided to the Chief Counsel's Office. The employee's organization is not responsible for identifying these required filers for new entrant reporting purposes.
- 3.3.2 The Head of each MSFC Basic Organization shall include persons from the organization serving in SEB/SEC/PEB/PEC positions on the list of employees who occupy covered positions

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for annual filing purposes.

3.4 <u>Special Rules for Special Government Employees (SGEs)</u>. All SGEs shall submit new entrant reports for each appointment or reappointment, but SGEs are not to be included on the list of annual filers. SGEs serving on NASA Advisory Committees shall comply with the procedures in Chapter 3 of NPR 1900.3.

4. RECORDS

Confidential Financial Disclosure Reports shall be retained by the Chief Counsel's Office for a period of 6 years, or longer if needed in an ongoing investigation, and then destroyed per NASA Records Retention Schedule 1/134(b).

5. FLOW DIAGRAM

None